

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
DAVENPORT DIVISION

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RACHEAL L. BLAND,	)	CIVIL NO. 06-cv-0008
	)	JOHNSON COUNTY NO. LACV 066549
Plaintiff,	)	
	)	
vs.	)	
	)	
VERIZON WIRELESS (VAW) L.L.C.,	)	DEFENDANT'S NOTICE OF REMOVAL
	)	
Defendant.	)	
	)	
	)	

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Defendant, Verizon Wireless (VAW) L.L.C. ("VZW"), for its Notice of Removal states:

1. On or about January 5, 2006, the above-entitled action was commenced in the Iowa District Court for Johnson County, and is pending there as No. LACV 066549.
2. On or about January 13, 2006, defendant VZW was served the following documents:
  - A. Original Notice and Petition at Law and Jury Demand;
  - B. Plaintiff's Request for Production of Documents; and
  - C. Plaintiff's First Set of Interrogatories Directed to Defendant.
3. A copy of the Original Notice and Petition at Law and Jury Demand is attached to this notice as Exhibit A.
4. There have been no further proceedings in the Iowa District Court for Johnson County in this case.

5. The plaintiff is an individual who resides in Iowa City, Johnson County, Iowa.

6. The defendant is a Delaware limited liability company authorized to do business in Iowa with its principal place of business in New Jersey.

7. Basis for removal are as follows:

Plaintiff's lawsuit arises under diversity of citizenship pursuant to 28 U.S.C.A. § 1332 in that the plaintiff is an individual the defendant is a business entity of different states and the amount in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs.

On information and belief, plaintiff has claimed that she has been damaged in excess of \$75,000 exclusive of interest and costs.

8. This Court has original jurisdiction over the above-entitled action pursuant to 28 U.S.C. § 1332, and the action may therefore be removed to this court pursuant to 28 U.S.C. § 1441(a).

9. This notice is filed with this court within 30 days after the case first became removable, January 13, 2006.

10. A copy of the original Notice of Removal is being filed in the Iowa District Court for Johnson County.

WHEREFORE, defendant Verizon Wireless (VAW) L.L.C.. gives notice that the above-entitled action is removed from the Iowa District Court for Johnson County to this court.

/s/ Rebecca Boyd Dublinske

REBECCA BOYD DUBLINSKE

/s/ Kristi A. Traynor

KRISTI A. TRAYNOR

OF

DICKINSON, MACKAMAN, TYLER & HAGEN, P.C.

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ATTORNEYS FOR DEFENDANT VERIZON WIRELESS  
(VAW) L.L.C..

IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

**RACHEAL L. BLAND,**

Plaintiff,

v.

**VERIZON WIRELESS (VAW) L.L.C., a**  
Delaware limited liability company,

Defendant.

No. LACV066549

**ORIGINAL NOTICE**

TO THE ABOVE-NAMED DEFENDANT:

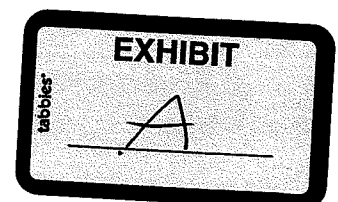
You are hereby notified that there is now on file in the office of the clerk of the above-named court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is John W. Hayek, whose address is 120½ East Washington Street, Iowa City, Iowa, 52240. That attorney's telephone number is 319-337-9606; facsimile number 319-338-7376.

You are further notified that unless, within 20 days after service of this original notice upon you, you serve, and within a reasonable time thereafter file, a motion or answer, in the Iowa District Court for Johnson County, at the county courthouse in Iowa City, Iowa, judgment by default may be rendered against you for the relief demanded in this petition.

LODEMA BERKLEY,  
Clerk of the above Court

LODEMA BERKLEY  
By: [Signature] *Deputy*  
Johnson County Courthouse  
Iowa City, Iowa 52240

NOTE: The attorney who is expected to represent the defendant should be promptly advised by defendant of the service of this notice. If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at 319-398-3920, Ext. 100. (If you are hearing impaired, then call Relay Iowa TTY at 1-800-735-2942).



IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

**RACHEAL L. BLAND,**

Plaintiff,

v.

**VERIZON WIRELESS (VAW) L.L.C.,** a  
Delaware limited liability company,

Defendant.

No. LACV 066549

**PETITION AT LAW  
AND JURY DEMAND**

CLERK OF DISTRICT COURT  
JOHNSON COUNTY, IOWA

2006 JAN -5 PM 3:59

FILED

COMES NOW the plaintiff, through her attorney, and for her cause of action against defendant respectfully states to the court as follows:

1. That Racheal L. Bland is an individual who resides in Iowa City, Johnson County, Iowa.
2. That Verizon Wireless (VAW) L.L.C. is a Delaware limited liability company authorized to do business in the state of Iowa.
3. That defendant leases space at the Coral Ridge Mall, Coralville, Johnson County, Iowa, and operates a retail store for its wireless services and products at that location.
4. That on or about June 8, 2005, plaintiff Racheal L. Bland and a friend visited the defendant's Verizon Wireless retail store at Coral Ridge Mall in Coralville and while there plaintiff inadvertently left a water bottle on the counter of the store while visiting with defendant's employees. Plaintiff then left the store and a few minutes later, upon realizing that she had left the water bottle in the store, her friend returned to the store to retrieve plaintiff's water bottle.
5. During the few minutes that the water bottle was left in defendant's store employees of defendant's intentionally sprayed or placed a toxic chemical

substance, difluorethane, also known as Freon, in the water bottle knowing that plaintiff would thereafter drink the water from the bottle and thereby ingest the chemical.

6. After the water bottle was retrieved from defendant's store plaintiff did in fact drink from the water bottle and thereby ingest the difluorethane placed in the bottle by defendant's employees.
7. The ingestion by plaintiff of difluorethane caused plaintiff to suffer from exercise-induced bronchospasm, also known as exercise-induced asthma for which plaintiff requires medical treatment and will require medical treatment in the future.
8. Defendant was negligent in the supervision and direction of its employees working at the store allowing them to place a toxic chemical in plaintiff's water bottle as above alleged and causing thereby the damages suffered by plaintiff.
9. Defendant's employees intentionally placed the toxic chemical in plaintiff's water bottle either intending to cause her harm or with reckless disregard for plaintiff's health and safety. Defendant is responsible for the actions of its employees occurring under defendant's supervision and direction and on its business premises. Plaintiff seeks an award of punitive damages from defendant because of intentional or reckless conduct of defendant's employees as above alleged.
10. Plaintiff's damages include the following.
  - a. Past medical expenses.
  - b. Future medical expenses.
  - c. Past physical pain and discomfort.

- d. Future physical pain and discomfort.
- e. Loss of function of body.

11. That damages claimed by plaintiff from defendant meet or exceed the jurisdictional requirements of this court.

WHEREFORE, plaintiff Racheal L. Bland seeks judgment against defendant for damages suffered by her as above stated. Plaintiff also seeks an award of costs.

**JURY DEMAND**

COMES NOW the plaintiff, through her attorney, and pursuant to Rule of Civil Procedure 1.902 demands a jury trial on all submissible issues in this case.

  
\_\_\_\_\_  
John W. Hayek

000-00-2203

**Hayek, Hayek, Brown, Moreland & Hayek, L.L.P.**  
120½ East Washington Street  
Iowa City, Iowa 52240-3976  
319/337-9606 telephone; 319/338-7376 facsimile  
ATTORNEY FOR PLAINTIFF

Original: Filed.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the document attached to this Certificate was mailed to the person listed below at the address indicated, stamped with the appropriate postage for ordinary mail and deposited on 1/26/06, in a United States Post Office mail receptacle, in Des Moines, Iowa:

John W. Hayek  
Hayek, Hayek, Brown, Moreland, & Hayek, L.L.P.  
120 ½ East Washington Street  
Iowa City, Iowa 52240-3976

/s/Amy George

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